UNITED STATES PATENT AND TRADEMARK OFFICE

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ART UNIT	PAPER NUMBER
3621	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _28 February 2008_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-33_ is/are pending in the application.

    4a) Of the above claim(s) _25-33_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Acknowledgements

1.   Claims 1-33 are currently pending.

2.   Applicant's election without traverse of Group I (Claims 1-24), filed on February

28, 2008 is acknowledged.

3.   Claims 25-33 are withdrawn from further consideration pursuant to 37 C.F.R.

§1.142(b), as being drawn to a nonelected Invention, because there is no allowable

generic or linking claim. Election was made without traverse.

Priority

4.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which

papers have been placed of record in the file. The certify copy was filed on October 08,

2003.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-24 are rejected under 35 U.S.C. 102(e) as anticipated by Stefik et al.

(US Patent No. 6,957,193 B2) ("Stefik").

        Referring to claim 1, Stefik discloses the following:

    a) a communication unit (Processing Computer-1803/Fig.18) for executing

communication processing with a license storage device (License Server) storing rights

information serving as usage rights information of contents (digital work), and

communication processing with a contents distribution server (Server-1803/Fig.18) (C7,

L1-9, L20-28, C26, L17-29 –the server computer will be receiving and processing

access requests to digital works);

    b) an encryption processing unit (Server Computer-1803/Fig.18) for executing

encryption (encrypted digital work) processing including authentication (authorize digital

work, Table-1) processing in said communication processing (C13, L4-12, C15, Table 1,

2(1-2), C26, L1-11 –digital works are minimally encrypted, including ones on removal

storage); and

    c) a control unit (Operating System-1301) for executing processing control for

inputting rights information corresponding to contents (Digital Work) from said license

storage device (License Server), via said communication unit (Server Computer-

1803/Fig.18), transmitting said input rights information to said contents distribution

server (Server-1803/Fig.18), and receiving contents set corresponding to said

transmission rights information from said contents distribution server (client repository)

and playing or using said contents (C3, L53-67, C51, L24-59 –receiving a request to

use a digital work in accordance with usage rights associated with the digital work, the

usage rights specifying a manner of use and an access specification, granting the

request and permitting exercise of the manner of use specified in the usage right

associated with the digital work).

Referring to claim 2, Stefik further discloses wherein said encryption processing

unit has a configuration for executing verification processing for a tampering verification

value attached to contents-corresponding rights information input from said license

storage device (C3, L53-67, C51, L24-59 –receiving a request to use a digital work in

accordance with usage rights associated with the digital work, the usage rights

specifying a manner of use and an access specification, granting the request and

permitting exercise of the manner of use specified in the usage right associated with the

digital work).

Referring to claim 3, Stefik further discloses wherein said encryption processing

unit executes mutual authentication with said license storage device (C13, L4-12, C15,

Table2(1-2), C16, L23-35, C26, L1-11 –stored file are minimally encrypted, including

ones on removal storage); and wherein said control unit has a configuration for

executing input processing of contents-corresponding rights information input from said

license storage device via said communication unit, with the establishment of said

mutual verification as a precondition thereof (C3, L53-67, C5, L49-60, C8, L35-47, C13,

L19-39, C43, L47-59, C51, L24-59 –receiving a request to use a digital work in

accordance with usage rights associated with the digital work, the usage rights

specifying a manner of use and an access specification, granting the request and

permitting exercise of the manner of use specified in the usage right associated with the

digital work).

Referring to claim 4, Stefik further discloses wherein said encryption processing

unit has a configuration for executing mutual authentication and key-sharing processing

with said license storage device, and for executing verification processing for a

tampering verification value attached to contents-corresponding rights information input

from said license storage device via said communication unit, applying a key generated

in said key-sharing processing (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29

–the repository will be receiving and processing access requests to digital works. When

the requester mode, the repository will be initiating requests to access digital works).

Referring to claim 5, Stefik further discloses wherein said rights information

stores download-type information containing permit/forbid information relating to cache

processing permission of distribution contents from said contents distribution server

(Fig.1(105,106,107) –access may be granted or denied); and wherein said control unit

is of a configuration for deciding permission/forbidding of cache processing of download

contents following said download type information (Fig.1(105,106,107) –access may be

granted or denied).

Referring to claim 6, Stefik further discloses wherein said encryption processing unit has a configuration for executing mutual authentication and key-sharing processing with said contents distribution server, and for executing verification processing for a tampering verification value attached to a contents file from said contents distribution server via said communication unit, applying a key generated in said key-sharing processing (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the repository will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works).

Referring to claim 7, Stefik discloses wherein said encryption processing unit has a configuration for executing mutual authentication and key-sharing processing with said contents distribution server, and for executing decryption of an encrypted contents encryption processing key attached to a contents file from said contents distribution server via said communication unit, applying a key generated in said key-sharing processing (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the repository will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works).

Referring to claim 8, Stefik further discloses wherein header information of a contents file received from said contents distribution server contains RHD check mode information setting whether or not to take connection with said license storage device at the time of playing contents as a precondition thereof (C7, L1-9, L20-28, C22, L1-9,

C25, L50-63, C26, L17-29 –the repository will be receiving and processing access

requests to digital works. When the requester mode, the repository will be initiating

requests to access digital works); and wherein said encryption processing unit executes

mutual authentication processing with said license storage device for contents playing

processing wherein said RHD check mode information takes connection with said

license storage device at the time of playing contents as a precondition thereof (C13,

L4-12, C15, Table2(1-2), C16, L23-35, C26, L1-11 –stored file are minimally encrypted,

including ones on removal storage); and wherein said control unit performs contents

playing processing with establishment of said authentication as a precondition thereof

(C3, L53-67, C51, L24-59 –receiving a request to use a digital work in accordance with

usage rights associated with the digital work, the usage rights specifying a manner of

use and an access specification, granting the request and permitting exercise of the

manner of use specified in the usage right associated with the digital work).

Referring to claim 9, Stefik further discloses wherein header information of a

contents file received from said contents distribution server contains output control

information of contents (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-

59, C51, L24-59 –receiving a request to use a digital work in accordance with usage

rights associated with the digital work, the usage rights specifying a manner of use and

an access specification, granting the request and permitting exercise of the manner of

use specified in the usage right associated with the digital work); and wherein said

control unit executes output control of contents following said output control information

(C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, Claim 1 –

receiving a request to use a digital work in accordance with usage rights associated with

the digital work, the usage rights specifying a manner of use and an access

specification, granting the request and permitting exercise of the manner of use

specified in the usage right associated with the digital work).

    <u>Referring to claim 10</u>, Stefik further discloses wherein said rights information

contains contents distribution server information or index server information of a server

capable of providing contents corresponding to said rights information (C3, L53-67, C5,

L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, Claim 1 –receiving a request to

use a digital work in accordance with usage rights associated with the digital work, the

usage rights specifying a manner of use and an access specification, granting the

request and permitting exercise of the manner of use specified in the usage right

associated with the digital work); and wherein said control unit is of a configuration for

executing processing for deciding a connection destination following said contents

distribution server information or index server information (C3, L53-67, C5, L49-60, C8,

L35-47, C13, L19-39, C43, L47-59, C51, Claim 1 –receiving a request to use a digital

work in accordance with usage rights associated with the digital work, the usage rights

specifying a manner of use and an access specification, granting the request and

permitting exercise of the manner of use specified in the usage right associated with the

digital work).

Referring to claim 11, Stefik further discloses wherein said control unit is of a configuration for executing processing for transmitting, to a contents distribution server providing contents, specs information including data format information of data formats playable at the information processing device serving as a contents using device, along with said rights information (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, Claim 1 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Referring to claim 12, Stefik discloses the following:

a) a storage unit (Server Computer-1803/Fig.18) for storing said use rights information (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the repository will be receiving and processing access requests to digital works);

b) a communication unit (Server Computer-1803/Fig.18) for executing communication processing with a contents using device for playing or using contents (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the computer will be receiving and processing access requests to digital works);

c) an encryption processing unit (Server Computer-1803/Fig.18) for executing encryption (encrypted digital work) processing including authentication (authorize digital work, table-1) processing in said communication processing via said communication

unit (C13, L4-12, C15, Table2(1-2), C16, L23-35, C26, L1-11 –digital works are

minimally encrypted, including ones on removal storage); and

　　　d) a control unit for executing output processing of contents-corresponding rights

information via said communication unit with regard to said contents using device, with

establishment of mutual authentication with said contents using device as a

precondition thereof (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59,

C51, L24-59 –receiving a request to use a digital work in accordance with usage rights

associated with the digital work, the usage rights specifying a manner of use and an

access specification, granting the request and permitting exercise of the manner of use

specified in the usage right associated with the digital work).

　　　Referring to claim 13, Stefik further discloses wherein said encryption processing

unit has a configuration for executing mutual authentication and key-sharing processing

with said contents using device, and for executing processing for setting a tampering

verification value to rights information to be output to said contents using device,

applying a key generated in said key-sharing processing (C7, L1-9, L20-28, C22, L1-9,

C25, L50-63, C26, L17-29 –the repository will be receiving and processing access

requests to digital works. When the requester mode, the repository will be initiating

requests to access digital works).

　　　Referring to claim 14, Stefik further discloses wherein said encryption processing

unit executes mutual authentication with a license purchasing device which receives

rights information from a license server via a network (C13, L4-12, C15, Table2(1-2),

C16, L23-35, C26, L1-11 –stored file are minimally encrypted, including ones on

removal storage); and wherein said control unit executes input processing of contents-

corresponding rights information via said communication unit, with establishment of said

mutual authentication as a precondition thereof (C3, L53-67, C5, L49-60, C8, L35-47,

C13, L19-39, C43, L47-59, C51, Claim 1 –receiving a request to use a digital work in

accordance with usage rights associated with the digital work, the usage rights

specifying a manner of use and an access specification, granting the request and

permitting exercise of the manner of use specified in the usage right associated with the

digital work).

Referring to claim 15, Stefik further discloses wherein said encryption processing

unit has a configuration for executing mutual authentication and key-sharing processing

with said license purchasing device, and for executing verification processing for a

tampering verification value attached to contents-corresponding rights information input

from said license purchasing device via said communication unit, applying a key

generated in said key-sharing processing (C7, L1-9, L20-28, C22, L1-9, C25, L50-63,

C26, L17-29 –the repository will be receiving and processing access requests to digital

works. When the requester mode, the repository will be initiating requests to access

digital works).

Referring to claim 16, Stefik discloses the following:

a) a communication unit (Processing computer-1803/Fig.18) for receiving a contents (digital work) use request from a contents using device, and transmitting the contents (digital work) (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the computer will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works);

b) an encryption unit (server computer-1803/Fig.18) for executing encryption processing including legitimacy verification processing of contents-corresponding rights information received from said contents using device via said communication unit (C13, L4-12, C15, Table2(1-2), C16, L23-35, C26, L1-11 –digital work are minimally encrypted, including ones on removal storage); and

c) control unit (Operating System-1301) for executing output processing of a contents file via said communication unit (server computer-1803/Fig.18) to said contents using device, with establishment of verification of said rights information as a precondition thereof (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, L24-59 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Referring to claim 17, Stefik further discloses wherein said rights information contains a valid information code serving as an identification code of validity management information of said rights information (C13, L4-12, C15, Table2(1-2), C16,

L23-35, C26, L1-11 –stored file are minimally encrypted, including ones on removal

storage); and wherein said control unit makes reference to a validity management table

correlating validity information with said valid information code, and executes

transmission processing of a contents file, with confirmation of the validity of the

contents-corresponding rights information received from said contents using device as a

precondition thereof (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59,

C51, Claim 1 –receiving a request to use a digital work in accordance with usage rights

associated with the digital work, the usage rights specifying a manner of use and an

access specification, granting the request and permitting exercise of the manner of use

specified in the usage right associated with the digital work).

Referring to claim 18, Stefik further discloses wherein said encryption processing

unit has a configuration for executing mutual authentication and key-sharing processing

with said contents using device, and for executing processing for attaching a tampering

verification value to said contents file being transmitted, applying a key generated in

said key-sharing processing (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –

the repository will be receiving and processing access requests to digital works. When

the requester mode, the repository will be initiating requests to access digital works).

Referring to claim 19, Stefik further discloses wherein said control unit executes

processing for storing, in header information of a contents file to be transmitted to said

contents using device, RHD check mode information setting whether or not to take

connection with said license storage device at the time of playing contents as a precondition thereof (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, Claim 1 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Referring to claim 20, Stefik further discloses wherein said encryption processing unit has a configuration for executing mutual authentication and key-sharing processing with said contents using device, and for executing encryption of a contents encryption processing key to be stored in a contents file, applying a key generated in said key-sharing processing (C7, L1-9, L20-28, C22, L1-9, C25, L50-63, C26, L17-29 –the repository will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works).

Referring to claim 21, Stefik discloses the following:

a) a communication unit (processing computer-1803/Fig.18) for executing communication processing with a requesting terminal requesting said rights information (C7, L1-9, L20-28, C26, L17-29 –the processing computer will be receiving and processing access requests to digital works. When the requester mode, the repository will be initiating requests to access digital works);

b) an encryption unit (processing computer-1803/Fig.18) for executing encryption

processing including signature generating processing with regard to rights information to

be transmitted via said communication unit (C13, L4-12, C15, Table2(1-2), C16, L23-35,

C26, L1-11 –digital works are minimally encrypted, including ones on removal storage);

and

c) a control unit (operating system-1301) for generating rights information storing an

identifier of a license storage device (license server) serving as a storage device

(processing computer) for said rights information, and executing output processing of

said rights information, with establishment of said mutual authentication (authorize

digital work, table-1) with said requesting terminal as a precondition thereof (C3, L53-

67, C51, L24-59 –receiving a request to use a digital work in accordance with usage

rights associated with the digital work, the usage rights specifying a manner of use and

an access specification, granting the request and permitting exercise of the manner of

use specified in the usage right associated with the digital work).

Referring to claim 22, Stefik further discloses wherein said encryption processing

unit has a configuration for executing mutual authentication and key-sharing processing

with said requesting terminal, and for executing processing for setting a tampering

verification value to rights information to be output to said requesting terminal, applying

a key generated in said key-sharing processing (C7, L1-9, L20-28, C22, L1-9, C25, L50-

63, C26, L17-29 –the repository will be receiving and processing access requests to

digital works. When the requester mode, the repository will be initiating requests to access digital works).

Referring to claim 23, Stefik further discloses wherein said control unit executes processing for generating and transmitting rights information storing identification information of a contents distribution server or index server which distributes contents corresponding to said rights information (C3, L53-67, C5, L49-60, C8, L35-47, C13, L19-39, C43, L47-59, C51, Claim 1 –receiving a request to use a digital work in accordance with usage rights associated with the digital work, the usage rights specifying a manner of use and an access specification, granting the request and permitting exercise of the manner of use specified in the usage right associated with the digital work).

Referring to claim 24, Stefik further discloses wherein said control unit generates rights information storing download type information containing permit/forbid information relating to cache processing permission of distribution contents (Fig.1(105,106,107) – access may be granted or denied).

7.   **Examiner's Note**: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art

and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the patent examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The Patent examiner can normally be reached on Monday-Thursday (9:00am -7:00pm), Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for this origination where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Statues information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-directed.uspto.gov.

Should you have any questions on accessing to the Private PAIR system, contact the Electronic Business Center (EBC) at 1(866) 217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 1(800) 786-9199 (IN USA OR CANADA) or 1(571) 272-1000.

Shahid Kamal
April 17, 2008

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621